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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643
Group: 3727
Confirmation No.: 1879
Application No.: 10/537,426
Invention: EXPANDABLE HARD SUITCASE
HAVING MOLDED BASE AND LID
PORTIONS AND METHOD OF
MAKING SAME
Inventor: Sedat Selvi
Filed: June 2, 2005
Attorney
Docket: 38566-77784
Examiner: Weaver, Sue A.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on August 9, 2006

Joyce Hamilton
(Signature)

Joyce Hamilton
(Printed Name)

DECLARATION UNDER 37 C.F.R. 1.132 OF PAUL RICHARDSON

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I declare as follows:

1. I have thirteen (13) years of experience in the luggage industry. I have been employed by Landor & Hawa International Limited, the assignee of the captioned patent application, for eight (8) years. Currently, I am Director of Landor & Hawa International Limited and have held this for the last five (5) years. Prior to becoming Director, I was General

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Manager for three (3) years. As Director, I am responsible for the sales of the luggage products of Landor & Hawa International Limited in the U.S., through Landor & Hawa U.S.A., Inc. which is a subsidiary of Landor & Hawa International Limited (collectively referred to herein as "Landor & Hawa"), as well as being responsible for the sales of luggage products in all other countries throughout the world. I have a Degree in Computer Science and Statistics from the University of Strathclyde.

2. I have reviewed the captioned patent application, including claims 2 and 3. The invention of claims 2 and 3 is directed to a method of constructing a "hard" suitcase by forming a shaped base portion and a shaped lid portion from a material of such characteristic that the base and lid portions retain their intended shape with the lid portion being shaped so as to have a convex main outer surface and the base portion being shaped so as to have a concave main outer surface. The method also includes attaching to the base and lid portions the respective zipped portions of a zip fastener arrangement by a stitching operation involving a securing thread. The zip fastener arrangement has an expandability feature to permit volume expansion of the suitcase.

3. Landor & Hawa sells a line of luggage under the tradename "International Traveller®" which is the subject of the claims of the captioned application. Shipments of this line of luggage to customers in the U.S. marketplace began in August, 2003. Since that time, this line of luggage has met with great commercial success in the U.S. The commercial success of this line of luggage has been more rapid than expected based on my experience in selling luggage, and the sales volumes and dollars for this line of luggage have far outpaced the sales volumes and dollars of Landor & Hawa's traditional, fabric luggage.

4. The line of "International Traveler®" luggage covered by the claims of the captioned application has met with success because, to the knowledge of the undersigned, prior to its introduction, no other hard sided plastic molded luggage with a stitched zip fastener having an expandability feature was on the market. The commercial success of this line of luggage is evidenced by the following sales information:

	2003 Unit Sales	2003 Dollar Sales	2004 Unit Sales	2004 Dollar Sales	2005 Unit Sales	2005 Dollar Sales	2006 Unit Sales(ytd)	2006 Dollar Sales(ytd)
Fabric Luggage	398	22,340.00	5767	261,636.50	3297	174,264.25	2971	224,639.50
Molded Plastic Luggage with expand- able zip fastener	617	80,210.00	20,315	1,174,952.50	53,239	2,649,243.25	41,110	2,112,033.25

5. Thus, Landor & Hawa's unit sales of plastic hard sided luggage with an expandable zip fastener was nearly four (4) times that of its fabric luggage in 2004, was more than sixteen (16) times that of its fabric luggage in 2005, and is more than thirteen (13) times that of its fabric luggage thus far in 2006.

6. The commercial acceptance of the line of luggage is directly related to the invention of certain claims of the subject patent application (i.e., hard sided luggage with plastic molded base and lid portions having a stitched zip fastener with an expandability feature). To the knowledge of the undersigned, until Landor & Hawa's luggage design was introduced into

the marketplace, no other company marketed plastic "hard" sided luggage with a stitched zip fastener having an expandability feature.

7. Subsequent to the introduction into the marketplace of the Landor & Hawa hard sided molded luggage with an expandable stitched zip fastener, at least two other companies have copied this line of luggage, and with regard to the features claimed in the present application, copied them identically. This copying by others has resulted in the filing of two lawsuits by Landor & Hawa against the copiers for trademark infringement, trade dress infringement, and unfair competition. Information regarding each of those lawsuits has already been submitted to the U.S. Patent & Trademark Office in Information Disclosure Statements, one of which was filed on October 31, 2005 (with regard to a lawsuit by Landor & Hawa against Heys U.S.A., Inc. and Heys International, Ltd) and the other of which was filed on June 7, 2006 (with regard to lawsuit by Landor & Hawa against Traveler's Club Luggage, Inc.).

All statements made herein are of my own knowledge are true and all statements made on information and belief are believed to be true; these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated:

August 9th 2006

By:



Paul Richardson
Director
of Landor & Hawa International Limited

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